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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,720	11/07/2000	Yasuhiro Takada	9812.0685-00000	9803

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/707,720

Applicant(s)

TAKADA ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____
13. ☐ Other: _____.


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Applicant argues that Stahl teaches that each manager resides on one node. Therefore IRM 26 cannot reside on two different nodes. Further the teaching that the DTV must be IRM and BM capable does not inherently or obviously, teach that the IRM 26 resides on the DTV as alleged by the Examiner. In fact, Stahl teaches away from the Examiner's position. Stahl states that the IRM26 is located within the serial bus protocol for the IEEE 1394 bus 16. Figure 4 depicts serial bus 16 outside DTV 14. DTV 14 does not include serial bus 16 or IRM 26. Therefore Stahl does not teach "a first controlling apparatus connected to a predetermined network, said first control apparatus including a first control section as claimed in claim 10. (page 3).

Regarding Applicants argument, the Examiner disagrees and notes that this is in direct opposition to what the text cited by the Examiner explicitly states.

Stahl teaches that IRM 26 may reside on two different nodes or on a single node (column 3, lines 58-62) further, Stahl explicitly states, "For the IEEE 1394 serial bus to function properly, an isochronous resource manager (IRM) and a bus manager (BM) will be needed. Since most clusters (i.e., devices interconnected via a digital bus) will include a display device of some kind, it should be required that a set top box with analog display and DTV, must be IRM and BM capable." (column 4, lines 12-18), thus IRM 26 resides on the DTV, further it is the DTV, which issues the commands via the IEEE 1394 bus to control the DVCR (column 8, lines 1-28, play control commands transmitted by the DTV to control the output of DVCR).

Applicant' apparently has some confusion with regards Figure 4. FIG. 4 shows, in simplified pictorial diagram form, a cluster of digital consumer electronic devices outlining the path of user initiated commands. Stahl teaches that the isochronous data flows can be controlled by any device connected to the IEEE 1394 bus (column 6, lines 8-32), thus controlling the flow and reception of isochronous data, by another device other than the first device (column 6, lines 8-32, column 8, lines 1-28) does suggest a first controlling apparatus that does not mount a control module of said connection management function and has been notified by said other controlling apparatus that said another controlling apparatus mounts a control module of said connection management function.

Applicant argues that there is no teaching in Stahl that the DVCR notifies the DTV that it mounts a control module of said connection management function. (pages 5-6).

The Examiner disagrees. If this was the case, the DVCR and DTV would be unable to establish a connection, transmit, and interpret data as the devices would have no idea with which other devices they are communicating.